

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:

[REDACTED]

Appeal Decision:	Approved	Appeal Number:	2208910
Decision Date:	3/13/2023	Hearing Date:	March 2, 2023
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:

[REDACTED]

MassHealth Representative:

Jessica Barney, Taunton



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Patient Paid Amount
Decision Date:	3/13/2023	Hearing Date:	March 2, 2023
MassHealth Rep.:	Jessica Barney		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated November 1, 2022, MassHealth approved the appellant for MassHealth effective January 1, 2022 and determined her patient paid amount (PPA) to be \$1,964.56 (Exhibit 1). The appellant filed this appeal in a timely manner on November 30, 2022 (see 130 CMR 610.015 and Exhibit 2). A dispute over the amount of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined the appellant's PPA to be \$1,964.56 effective January 1, 2022.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026, in determining the appellant's ineligibility for a home maintenance deduction.

Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth long-term care benefits on April 25, 2022. She was admitted to her nursing facility in [REDACTED] 2021 (Exhibit 3). On November 1, 2022, MassHealth approved the appellant for MassHealth effective January 1, 2022 and determined her PPA to be \$1,964.56 (Exhibit 1). The issue that is being appealed is whether or not the appellant was entitled to a deduction for home maintenance equal to 100% of the federal poverty level for one person, or \$1,215.00.

The MassHealth representative explained that the appellant was not entitled to the home maintenance deduction because her admission and screening forms indicated that she was a long-term admission, i.e., greater than six months (Exhibit 3). This deduction was not allowed even though the appellant did discharge home within six months and this discharge was documented in a letter from her physician. According to the May 2, 2022 physician letter, the appellant discharged home in [REDACTED] 2022 approximately four months after her admission (Exhibit 3).

The appellant's income consisted of Social Security income of \$1,139.00, an annuity of \$74.36, and a Veteran's pension of \$824.00. She was entitled to an allowance of \$72.80 for personal needs. The net income and PPA that resulted was \$1,964.56 (Exhibit 1).

The appellant's representative testified that the appellant has always intended to return to the community within six months and was therefore not a long-term admission. She referenced the physician letter of May 2, 2022 as proof that the appellant was a short-term admission. The appellant's representative further testified that the appellant has not returned to a nursing facility since her discharge after the four-month stay.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth long-term care benefits on April 25, 2022 (Exhibit 3).
2. She was admitted to her nursing facility in [REDACTED] 2021 (Exhibit 3).
3. On November 1, 2022, MassHealth approved the appellant for MassHealth effective January 1, 2022 and determined her PPA to be \$1,964.56 (Exhibit 1).
4. The appellant's admission and screening forms indicated that she was a long-term

admission (Exhibit 3).

5. According to a May 2, 2022 physician letter, the appellant discharged home in [REDACTED] 2022 approximately four months after her admission (Exhibit 3).
6. The appellant's income consisted of Social Security income of \$1,139.00, an annuity of \$74.36, and a Veteran's pension of \$824.00. She was entitled to an allowance of \$72.80 for personal needs. The net income and PPA that resulted was \$1,964.56 (Exhibit 1).

Analysis and Conclusions of Law

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130 CMR 520.026 provides the general income deductions for long-term-care cases:

General income deductions must be taken in the following order: a personal needs allowance of \$72.80; a spousal maintenance needs allowance; a family maintenance needs allowance for qualified family members; a home maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses provided that they are certified as being medically necessary.

A deduction for maintenance of a home is allowed when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months from the month of admission. This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time (130 CMR 520.026(D)(1)).

The amount deducted is the federal-poverty-level income standard for one person (\$1,215.00) (130 CMR 520.026(D)(2)).

In the instant case, I have found that MassHealth approved the appellant for long-term care benefits and determined her PPA to be \$1,964.56. The issue that is being appealed is whether or not the appellant was entitled to a deduction for home maintenance equal to 100% of the federal poverty level for one person, or \$1,215.00.

MassHealth decided that the appellant was not entitled to the home maintenance deduction because her admission and screening forms indicated that she was a long-term admission even though the appellant did discharge home within six months and this discharge was documented in a letter from her physician.

I conclude that because the appellant did indeed discharge within six months from her admission date, and that this discharge was verified in writing from her physician, the requirement for a home maintenance deduction set forth in 130 CMR 520.026(D)(1) has been met.

Accordingly, \$1,215.00 must be deducted from the appellant's PPA of \$1,964.56 for the four months of her long-term care eligibility effective January 1, 2022.

The appeal is therefore approved.

Order for MassHealth

\$1,215.00 must be deducted from the appellant's PPA of \$1,964.56 for the four months of her long-term care eligibility effective January 1, 2022.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth, at the address on the first page of this decision.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

